

3/5/03 Draft Regulatory Language

For discussion at the March 13, 2003 Workshop.

Proposed additions are underlined and proposed deletions are struck out.

ARTICLE 6. Transport Mitigation 70600. Emission Control Requirements

(a) Definitions

For the purpose of this regulation, the following definitions shall apply:

(1) All feasible measures means emissions reduction measures for air pollution sources under a district's authority that achieve the maximum degree of reduction of emissions of ozone precursors taking into account technology considerations and economic impacts.

(2) "Ozone precursors" mean oxides of nitrogen and reactive organic gases.

(b) Specific Requirements

Districts within the areas of origin of transported air pollutants, as identified in section 70500(c), shall include sufficient emission control measures in their attainment plans for ozone adopted pursuant to Chapter 10 of the Health and Safety Code, Part 3, Division 26, beginning with section 40910, to mitigate the impact of pollution sources within their jurisdictions on ozone concentrations in downwind areas. At a minimum, the attainment plans for districts within the air basins or areas specified below shall conform to the following requirements:

~~(a)~~(1) Broader Sacramento Area (as defined in section 70500(b)(3)) shall:

(A) require the adoption and implementation of all feasible measures as expeditiously as practicable.

~~(+)~~(B) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. ~~At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.~~

(C) require the implementation, by December 31, 2004, of a stationary source permitting program designed to achieve no net increase in

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the emissions of ozone precursors from new or modified stationary sources that emit or have the potential to emit 10 tons or greater per year of ozone precursors.

~~(2)~~(D) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the Upper Sacramento Valley and that portion of the Mountain Counties Air Basin north of the Calaveras-Tuolumne County border and south of the Sierra-Plumas County border, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

~~(A)~~(i) are likely to produce a violation of the state ozone standard in the Upper Sacramento Valley or that portion of the Mountain Counties Air Basin north of the Calaveras-Tuolumne County border and south of the Sierra-Plumas County border; and

~~(B)~~(ii) are dominated by overwhelming pollutant transport from the Broader Sacramento Area; and

~~(C)~~(iii) are not measurably affected by emissions of ozone precursors from sources located within the Upper Sacramento Valley or that portion of the Mountain Counties Air Basin north of the Calaveras-Tuolumne County border and south of the Sierra-Plumas County border.

~~(b)~~(2) San Francisco Bay Area Air Basin shall:

(A) require the adoption and implementation of all feasible measures as expeditiously as practicable.

~~(1)~~(B) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. ~~At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.~~

(C) require the implementation, by December 31, 2004, of a stationary source permitting program designed to achieve no net increase in the emissions of ozone precursors from new or modified stationary

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sources that emit or have the potential to emit 10 tons or greater per year of ozone precursors.

~~(2)~~(D) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the North Central Coast Air Basin, that portion of Solano County within the Broader Sacramento Area, that portion of Sonoma County within the North Coast Air Basin, and that portion of Stanislaus County west of Highway 33, except as provided in the Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

~~(A)~~(i) are likely to produce a violation of the state ozone standard in the North Central Coast Air Basin, or that portion of Solano County within the Broader Sacramento Area, or that portion of Sonoma County within the North Coast Air Basin, or that portion of Stanislaus County west of Highway 33; and

~~(B)~~(ii) are dominated by overwhelming pollutant transport from the San Francisco Bay Air Basin; and

~~(C)~~(iii) are not measurably affected by emissions of ozone precursors from sources located within the North Central Coast Air Basin, or that portion of Solano County within the Broader Sacramento Area, or that portion of Sonoma County within the North Coast Air Basin, or that portion of Stanislaus County west of Highway 33.

~~(e)~~(3) San Joaquin Valley Air Basin shall:

(A) require the adoption and implementation of all feasible measures as expeditiously as practicable.

~~(4)~~(B) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. ~~At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.~~

~~(2)~~(C) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the

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Mojave Desert Air Basin, the Great Basin Valleys Air Basin, and that portion of the Mountain Counties Air Basin south of the Amador-El Dorado County border, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

~~(A)~~(i) are likely to produce a violation of the state ozone standard in the Mojave Desert Air Basin, or the Great Basin Valleys Air Basin, or that portion of the Mountain Counties Air Basin south of the Amador-El Dorado County border; and

~~(B)~~(ii) are dominated by overwhelming pollutant transport from the San Joaquin Valley Air Basin; and

~~(C)~~(iii) are not measurably affected by emissions of ozone precursors from sources located within the Mojave Desert Air Basin or the Great Basin Valleys Air Basin, or that portion of the Mountain Counties Air Basin south of the Amador-El Dorado County border.

~~(d)~~(4) South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border shall, for sources located in that portion of the Basin:

(A) require the adoption and implementation of all feasible measures as expeditiously as practicable.

~~(1)~~(B) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. ~~At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.~~

~~(e)~~(5) South Coast Air Basin shall:

(A) require the adoption and implementation of all feasible measures as expeditiously as practicable.

~~(1)~~(B) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section

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40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. ~~At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.~~

~~(2)~~(C) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, the San Diego Air Basin, the Mojave Desert Air Basin, and the Salton Sea Air Basin, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

~~(A)~~(i) are likely to produce a violation of the state ozone standard in the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, or in the San Diego Air Basin, or in the Mojave Desert Air Basin, or in the Salton Sea Air Basin; and

~~(B)~~(ii) are dominated by overwhelming pollutant transport from the South Coast Air Basin; and

~~(C)~~(iii) are not measurably affected by emissions of ozone precursors from sources located within the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, or the San Diego Air Basin, or the Mojave Desert Air Basin, or the Salton Sea Air Basin.

(c) Implementation

(1) By November 1 of each year, each district subject to the requirements set forth in section 70600(b), shall review its attainment plan and make an initial finding as to whether the plan meets the requirements of section 70600(b). Once the district has made the initial finding, the district shall:

(A) issue a public notice describing the regulatory requirements and the basis of the initial finding and provide for public comment on the initial finding for a period of at least 30 days;

(B) review the public comments and make a final finding;

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- (C) by December 31 of each year, submit, concurrent with the submittal of a progress report to the state board required under Health and Safety Code section 40924(a), a final finding as to whether the attainment plan continues to include the measures required by section 70600(b) and, if not, a listing of measures that will be included in the attainment plan;
- (2) Within 60 days of submittal, the state board shall review the final finding and public comments and notify the district if additional measures must be included in the attainment plan.
- (3) Within 180 days of receiving notification by the state board, the district shall amend the attainment plan to include the identified measure(s) and update the rulemaking calendar required pursuant to Health and Safety Code section 40923.

**Note: Authority cited: Sections 39601 and 39610(b), Health and Safety Code.
Reference: Sections 39610, 40912, 40913, 40921 and 41503, Health and Safety Code.**

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70601. Procedure for Limiting the Application of All Feasible Measures and Best Available Retrofit Control Technology.

A district may exclude one or more sources from the requirement to apply all feasible measures, best available retrofit control technology, or both, as transport mitigation pursuant to section 70600 provided that the district plan prepared pursuant to part 3, chapter 10 (commencing with section 40910) of division 26 of the Health and Safety Code and approved by the Board pursuant to part 4, chapter 1 (commencing with section 41500) of division 26 of the Health and Safety Code demonstrates that:

- (a) emissions from the source, because of its location, do not contribute to ozone violations in any downwind area; or
- (b) emissions reductions from the source are not needed to attain the ozone standard in any downwind area; or
- (c) the district is implementing an alternative emissions reduction strategy pursuant to section 40914 of the Health and Safety Code and that strategy will be at least as effective and as expeditious as the transport mitigation requirements specified in section 70600.

**Note: Authority cited: Sections 39601, 39610(b), Health and Safety Code.
References cited: Sections 39610, 40912, 40913, 40921 and 41503, Health and Safety Code.**